

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

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FRIDAY, THE TENTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4664 OF 2006

Between:

M.Bhaskar Reddy ... Petitioner

Versus

Municipal Corporation of Kakinada,

Represented by its Commissioner,

Kakinada, East Godavari district & Anr. ... Respondents

Counsel for the Petitioner: Sri N.V.Anantha Krishna

Counsel for the Respondent: Sri S.Nageswara Reddy

ORDER :

The case of the petitioner is that he dug a bore-well in his house bearing door no.3-18-1/1/A, Road No.4, Ayodhyanagar, Kakinada, East Godavari district, for the purpose of his personal use but without issuing any notice and without giving any reasonable opportunity, the first respondent by notice dated 28-2-2006 in ROC.No.1586/06/E-3 directed the petitioner close down the bore-well forthwith on the ground that the petitioner has been found drawing water and selling the same to the private tankers and the same has been noticed during the course of inspection by the authorities. Therefore, the petitioner was prevented to draw water from the bore-well, otherwise, appropriate action will be taken against him under the provisions of Andhra Pradesh Water and Land Trees Act.

Without expressing any opinion on the merits of the writ petition, I am of the opinion that without giving any notice, the petitioner may not be directed to close down the bore-well preventing him to draw water even for his personal use.

Having regard to the facts and circumstances of the case, the impugned notice dated 28-2-2006 in ROC.No.1586/06/E-3 issued by the first respondent is directed to be treated as show cause notice, permitting the petitioner to submit his explanation to the said

notice within two weeks, from the date of receipt of a copy of this order and till the said explanation/representation is considered and disposed of by the first respondent, the petitioner shall not be prevented from making use of the said bore-water for his personal use but at the same time the petitioner shall not be permitted to sell the said water.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 10th, 2006. -----

I s L. V. ESWARAIAH , J.